

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

FILED WITH THE BOARD  
OF MORTUARY SCIENCE  
ON December 2, 2008

By: Doreen A. Hafner  
Deputy Attorney General  
(973) 648-7454

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MORTUARY SCIENCE

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	Administrative Action
ROBERT J. MAITNER JR.	:	
License No. 23JP00420900	:	CONSENT ORDER OF
	:	SURRENDER OF LICENSE
TO PRACTICE MORTUARY SCIENCE	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Mortuary Science (hereinafter "the Board") upon receipt of information that Respondent Robert J. Maitner Jr. (hereinafter "Respondent") was the subject of a criminal investigation stemming from his involvement in a scheme spanning from June 1, 2001 to October 31, 2005 to harvest tissue from decedents for whom consent to harvest tissue had never been given. At all times pertinent to the within matter, Respondent was licensed to practice mortuary science in the State of New Jersey.<sup>1</sup>

---

<sup>1</sup> On August 24, 2006, the status of Respondent's New Jersey license to practice mortuary science was changed to inactive.

Respondent pled guilty in the Supreme Court of the State of New York, County of Kings, to violations of Penal Law § 110/460.20, Attempted Enterprise Corruption, a class C felony. On July 14, 2007, Respondent was sentenced to six months incarceration and five years probation. Respondent entered his guilty plea pursuant to a plea agreement wherein he agreed to cease and desist from operating as a licensed funeral director by surrendering and forfeiting his license, and to be barred from any re-application of any license pertaining to the funeral director or funeral home business. See Exhibit A, attached. Also, as a condition of his plea, Respondent paid One Hundred Thousand (\$100,000) Dollars as the full and final settlement of the CPLR Article 13-A forfeiture claim.

Respondent, having consulted with his attorney and being desirous of resolving this matter amicably, acknowledges that his plea of guilty to the criminal charges and the investigative material underlying the Indictment constitute grounds for disciplinary action by the Board pursuant to N.J.S.A. 45:1-21(b), (e), (f), and (h) (specifically, N.J.S.A. 45:7-95 and N.J.A.C. 13:36-5.18), and demonstrate the absence of good moral character that is an ongoing requirement of licensure pursuant to N.J.S.A. 45:7-50, and is sufficient to support the disposition herein. Respondent hereby consents and agrees to each and every term of this Consent Order. The Board having determined to waive assessment of a monetary penalty to the Board and other remedies as

otherwise authorized by N.J.S.A. 45:1-22 and 45:1-25 in light of Respondent's resolution of the criminal proceedings in accordance with the terms of his plea agreement, and the Board finding the within disposition adequately protective of the public health, safety and welfare, and for good cause shown,

IT IS on this 2<sup>nd</sup> day of December, 2008,

HEREBY ORDERED AND AGREED THAT:

1. Respondent Robert J. Maitner, Jr. shall immediately surrender his license to practice mortuary science in the State of New Jersey. Said surrender shall be deemed a revocation of Respondent's license.

2. Respondent shall comply with all the conditions set forth in the attached "Plea and Settlement Agreement and Consent Judgment" which is incorporated by reference herein. These conditions include, but are not limited to, Respondent's preclusion from any involvement in or ownership of any aspect of the funeral director industry or funeral home business.

3. Respondent is enjoined from performing any services required to be performed by a licensed funeral director. In addition, Respondent shall not be present in any New Jersey funeral home, in an area accessible to the public, while people are making funeral arrangements, whether pre-need or at need. He shall not

make removals. He shall not hold himself out in any manner as a funeral director or as being authorized to make funeral arrangements. In the event Respondent chooses to attend a public viewing or funeral arranged by a licensed funeral director from or at any New Jersey funeral home in which Respondent had any ownership interest, he shall not be permitted to accompany the funeral director, make announcements or committal prayers, or participate in any aspect of the funeral procession, including, without limitation, driving or traveling in any funeral home vehicle. He may not indicate that he is participating in the funeral in any capacity other than as a member of the family or of the public, as appropriate.

4. For all public viewings or funerals attended by Respondent that are arranged by a licensed funeral director for or at any New Jersey funeral home in which Respondent had any ownership interest, the funeral home's manager shall maintain a log listing the name of the deceased, the date of the funeral, and list what events Respondent attended (for example: viewing, funeral ceremony, cemetery). The log is to be available to the Board upon request. The manager of any affected funeral home is responsible for ensuring compliance with the terms of this Consent Order. Each manager shall be provided with a copy of this Consent Order, and shall notify the Board in writing that he or she has reviewed this Consent Order and understands the obligations set forth herein.

5. Respondent shall return his original New Jersey license to the New Jersey State Board of Mortuary Science, 124 Halsey Street, Post Office Box 45009, Newark, New Jersey, 07101, upon his receipt of a filed copy of this Order.

6. The parties hereby stipulate that entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from Respondent's conduct prior to entry of this Order.

NEW JERSEY STATE BOARD OF MORTUARY SCIENCE

By: 

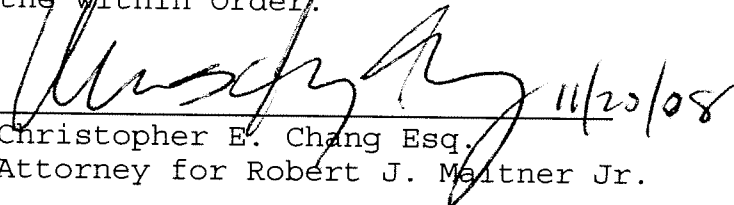
Louis J. Stellato, Jr.  
President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

  
Robert J. Maitner Jr.

November 20, 2008  
Date

I hereby consent to the form and entry of the within Order.

  
Christopher E. Chang Esq.  
Attorney for Robert J. Maitner Jr.